

Planning and the Local Preservation Review Commission

As the number of local design review programs seems to be multiplying like mosquitoes in mid-July, we find that the programs are also increasing in areas of sophistication and impact. This expansion is directly related to the American system of local planning and the support, both financially and psychologically, of state and federal levels of government. The number of preservation-based design review and local commission programs has jumped dramatically because of some very deliberate actions in the past three decades:

- The U.S. Supreme Court decision regarding the fate of Grand Central Terminal in New York City.¹
- The amendments to the National Historic Preservation Act in 1980 that created the Certified Local Government Program.²
- Statewide planning acts that include provisions for the identification, evaluation and protection of historic resources.

In almost every ordinance that creates a local preservation review commission and institutes a local preservation program, the role of the local program is described as being “part of the planning functions” of the particular municipality. This ties the preservation program of the local government directly to the planning process. In many cases, municipalities go a step further and place the responsibility for staffing the preservation program in the planning department or code review and compliance office. The merits of locating preservation in planning have been discussed for years at national meetings and in publications in both planning and preservation circles.³ For better or worse, preservationists and planners are partners in community improvement.

In a recent survey conducted by the National Alliance of Preservation Commissions some rather interesting conclusions can be made about the 2,300 local historic preservation commissions and review boards in America and how they effect and are effected by local planning decisions.⁴

The survey revealed that almost two-thirds of the communities responding have a preservation plan or a preservation element of their comprehensive/master plan.⁵ A short 20 years ago, only a handful of local governments would have been able to point to a preservation element within their local planning process. Of course, this does not mean that all resources are fully protected with local governments who have preservation plans. It does mean, however, historic resources are considered when planning decisions are made. In addition, nearly one-third of the responding commissions reviewed (or had the opportunity to comment on) proposed comprehensive plan changes.

Other highlights of the survey results include:

- The courts uphold design review. When preservation commissions go to court an overwhelming majority (85%) of ordinances, designations, and decisions survive the challenge.
- Preservation commissions are approval bodies. A remarkable 95% of all commissions responding to the survey approve applications for changes to designated properties or properties within designated districts upon their initial review. Nearly all commissions then will approve the application upon resubmission and second review.
- Local preservation ordinances are valued locally. Communities report positively on enforcement of local preservation statutes and they indicate preservation is viewed as a positive, mainstream force that benefits widely divergent social groups and cultural resources.
- The preservation network works. Preservation commissions know where to go for assistance and many receive training on an annual basis. They all state that they could use more, but the number of workshops offered and agencies offering them have expanded from the last time commissions were surveyed in the 1980s. Commissions have especially expressed a greater reliance on their state historic preservation office for technical assistance.

- Local elected officials support preservation. Three-fourths of chief elected officials, mostly mayors, endorse and support historic preservation efforts and their locally-appointed commissions.
- Federal and state governments support preservation. Certified Local Government (CLG) grants, training programs, publications, and incentives are directed to local commissions.
- Demolition by neglect, determinations of economic hardship, and issues surrounding enforcement of decisions and monitoring of completed work continue to be baffling problems. The situations surrounding absentee landlords, building owners on fixed incomes, and under-staffed agencies plague the effective administration of local programs in most municipalities...still!

Planning decisions that include historic resources are recognized as better decisions. Likewise, planning programs at an administrative level should have a defined relationship with their historic preservation counterparts in municipal government, namely the historic preservation commission. It is not necessary for the preservation commission to be organizationally located within the planning **department**, but it should have a prescribed connection to the planning **process**.

There is a common way to make sure that historic preservation is considered in all planning decisions in larger metropolitan areas, not just planning that occurs in and around designated historic districts. Chiefly, historic resource protection should be included in a community's planning goals and policies, as this gives the commission decisions legislative teeth. Many communi-

ties use a simple system that requires that a current historic resources inventory be keyed to the larger database used for tracking and monitoring building permits, zoning variances, and land subdivision. The preservation commission, more often their staff person, then is alerted and asked for comments on all major land use and new construction proposals that might impact historic resources. Even when this is an advisory process, it does result in more informed planning decisions.

As preservation moves closer to traditional planning methods (visioning, consensus building, permits, and quasi-judicial review) and as planning begins to incorporate preservation goals (city center revitalization and anti-sprawl efforts), American municipalities should be seeing more thoughtful community improvement schemes.

Notes

- ¹ *Penn Central Transportation Co. v. City of New York*, 438 US 104, 107-108 129 (1978).
- ² U.S. Congress, National Historic Preservation Act, 16 U.S.C. §§ 470-470w-6 (1994).
- ³ Eugenie Ladner Birch and Douglass Roby, "The Planner and the Preservationist: An Uneasy Alliance," *Journal of the American Planning Association* 50:2 (1984):194-207.
- ⁴ [Chris Cochran and Pratt Cassity] United States Preservation Commission Identification Project II, (Athens: National Alliance of Preservation Commissions, 1998), *idem*.
- ⁵ *Ibid* 3.

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Information on the World Wide Web

For information about preservation planning and related topics, take a look at the Cultural Resources Partnership Notes series online at <www2.cr.nps.gov/pad/partnership/index.htm>.

To learn more about statewide historic preservation planning, visit <www2.cr.nps.gov/pad>.

Statewide historic preservation plans are summarized in State Plan Profiles on the web at <www2.cr.nps.gov/pad/stateplans/index.htm>.